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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 08-00236 MMC
)	
Plaintiff,)	STIPULATED MOTION TO VACATE
)	NOVEMBER 20, 2013 STATUS
v.)	CONFERENCE; [PROPOSED] ORDER
)	
LUKE D. BRUGNARA,)	Date: November 20, 2013
)	Time/Place: 2:15 p.m./Courtroom 7
Defendant.)	

Defendant, LUKE D. BRUGNARA, represented by Assistant Federal Public Defender Brandon LeBlanc, and plaintiff, represented by Assistant United States Attorney Cynthia Stier, respectfully move the Court to vacate the status conference now scheduled for November 20, 2013, at 2:15 p.m. The reason for this request is as follows:

On Wednesday, October 16, 2013, Mr. Brugnara made his initial appearance before this Court with regard to a pending Form 12 petition alleging certain violations of the terms and conditions of his supervised release. *See* Docket Entry No. 128. During those proceedings, the parties informed this Court that diligent efforts were underway to globally resolve the Form 12 petition, which was simultaneously pending before this Court as well as before District Judge Alsup in case number CR 08-00222 WHA. At the conclusion of the hearing, wherein this Court

1 indicated that the proceedings before this Court should trail the proceedings in Judge Alsup's
2 Court, the Court set a further status date of November 20, 2013. *See* Docket Entry No. 138.

3 On Tuesday, October 22, 2013, the parties appeared before District Judge Alsup and
4 globally resolved the pending Form 12. *See* Docket Entry No. 230 (in CR 08-00222 WHA).
5 Specifically, before District Judge Alsup, Mr. Brugnara admitted to allegations three (3) and four
6 (4) within the pending Form 12, and the government subsequently moved to dismiss allegations
7 one (1), two (2), and five (5). *Id.* Mr. Brugnara also forfeited to the United States the firearm
8 that was seized during the search of his residence on April 5, 2013. *Id.* Thereafter, Judge Alsup
9 revoked Mr. Brugnara's supervised release and, pursuant to the parties' joint recommendation,
10 continued him on a further supervised release term of 364 days. *Id.* The parties additionally
11 requested a status date in six months before Judge Alsup, with the express expectation that if Mr.
12 Brugnara satisfactorily complies with the terms of his supervised release during the next six
13 months, the parties would jointly recommend to Judge Alsup at that time that Mr. Brugnara's
14 remaining term of supervised release be terminated. *Id.* Judge Alsup granted the parties request
15 and set a status date of April 22, 2014. *Id.*

16 Accordingly, in light of this Court's directive that if the parties reached a global resolution
17 before Judge Alsup in case CR 08-00222 WHA – which has now occurred – the parties would
18 not need to return to this Court for further proceedings, the parties respectfully request that this
19 Court take judicial notice of the now-resolved Form 12 petition and vacate the status currently
20 scheduled for November 20, 2013. In taking judicial notice of the now-resolved Form 12
21 petition without any further court proceedings, Mr. Brugnara's supervision release period with
22 this Court would immediately expire and Mr. Brugnara would no longer be subject to supervision
23 in this matter. These are the parties jointly-made requests to the Court – otherwise, the parties
24 are fully prepared to appear before the Court, as directed, on November 20, 2013, for further
25 proceedings.

26 //

1 Finally, United States Probation Officer Jennifer James has been contacted regarding this
2 issue and has no objection to the removal of this matter from the Court's November 20, 2013
3 calendar.

4 Dated: October 29, 2013

Respectfully submitted,

5
6 /s/
BRANDON M. LeBLANC
Assistant Federal Public Defender
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8 IT IS SO STIPULATED.

9 Dated: October 29, 2013

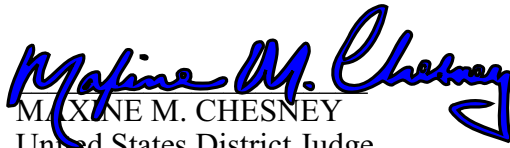
10 /s/
CYNTHIA STIER
Assistant United States Attorney
11
12
13
14

15 **~~PROPOSED~~ ORDER**

16 Based upon the representations of counsel and for good cause shown, the Court takes
17 judicial notice of the pending Form 12 petition at Docket Entry No. 128 and VACATES the
18 status conference currently scheduled for November 20, 2013, at 2:15 p.m. before this Court.
19 Accordingly, Mr. Brugnara's supervised release term has expired with this Court and he is no
20 longer subject to supervision in this matter.

21 IT IS SO ORDERED.

22
23 Dated: October 30, 2013

24 
MAXINE M. CHESNEY
United States District Judge
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